



IFW

87183AJA
Customer No. 01333

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

Ronald S. Cok

**CIRCUIT FOR DETECTING
AMBIENT LIGHT ON A DISPLAY**

Serial No. US 10/694,560

Filed 27 October 2003

Group Art Unit: 2818

Examiner: Thinh T. Nguyen

I hereby certify that this correspondence is being deposited today with the United States Postal Service as first class mail in an envelope addressed to Commissioner For Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

Valerie J. Richardson
Valerie J. Richardson
February 10, 2005
Date

Commissioner for Patents
P.O. Box 1450
Alexandria, VA. 22313-1450

Sir:

RESPONSE TO REQUIREMENT FOR RESTRICTION AND ELECTION

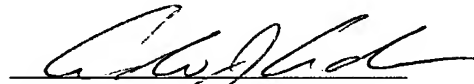
The Office communication mailed January 10, 2005 sets forth a restriction requirement between the inventions of Group I claims 1-12, drawn to an ambient light photo-detecting device, and Group II claims 13-22, drawn to a display device having an array of photo-emissive elements. In response to such restriction requirement, Applicant elects the invention of Group I, claims 1-12, for prosecution. Such election is made with traverse.

The Examiner notes that such inventions are related as combination and subcombination, and states that restriction is proper as the combination as claimed does not require the particulars of the subcombination as claimed because the display device can be patentable with a novel substrate or photo-emissive elements. Such rationale, however, is not relevant to the present claims, as novel substrates or photo-emissive elements are not features of independent combination claim 13. Rather, the unique element in such claimed combination is the identical circuit as claimed in independent subcombination claim 1. Thus, the claimed combination in fact does require the particulars of the subcombination, and restriction between such claimed inventions is not appropriate. It is further noted that as the claimed inventions are directed towards the same inventive concept, the searches required for each invention should

substantially over-lap despite the different classifications proposed by the Examiner, and consideration of both such inventions accordingly should not present a substantial additional burden. Reconsideration, and withdrawal, of such restriction requirement is accordingly respectfully requested.

It is further noted that as the circuit for detecting ambient light as set forth in the combination invention is commensurate in scope and includes all the limitations of the circuit as set forth in the elected subcombination invention, even if the restriction requirement is maintained, such combination claims should be rejoined upon allowance of the subcombination claims, and such rejoinder of the non-elected claims upon allowance of the elected claims is respectfully requested.

Respectfully submitted,



Attorney for Applicant(s)
Registration No. 33,564

Andrew J. Anderson/vjr
Rochester, NY 14650
Telephone: (585) 722-9662
Facsimile: (585) 477-1148

If the Examiner is unable to reach the Applicant(s) Attorney at the telephone number provided, the Examiner is requested to communicate with Eastman Kodak Company Patent Operations at (585) 477-4656.